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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/486,000	06/08/1995	J CARL COOPER	G:/7434CIP	6206

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EXAMINER
RAO, SEEMA SRINIVAS

ART UNIT	PAPER NUMBER
2661	

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Please find below and/or attached an Office communication concerning this application or proceeding.

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EXAMINER	
ART UNIT	PAPER
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Commissioner of Patents and Trademarks

Seema S Rao□Primary Examiner□Art Unit: 2661

PTO-90C (Rev.3-98)

Office Action Summary	Application No.	Applicant(s)	
	08/486,000	COOPER ET AL.	
	Examiner	Art Unit	
	Seema S Rao	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 October 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

31, 33-129

4)☒ Claim(s) *1-17,19-23 and 25-~~129~~* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17,19-23 and 25-129* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)
16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
18) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
19) ☐ Notice of Informal Patent Application (PTO-152)
20) ☐ Other:

DETAILED ACTION

1. Claim **30** recites the limitation "the decompression decoder" in 2. There is insufficient antecedent basis for this limitation in the claim.

2. Claims **1-5 and 67- 71; 10-12 and 76-79; 14- 17 and 80-83; 19-20 and 84-85; 28-29, 31 and 92-93, 95; 33-40, 42, and 96-103 and 105; and 43-66 and 106-129** are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Tweedy et al. (U.S. 4,816,905) The reference, Tweedy et al., discloses an access system for multiple programs, as in claims **1(67), 10 (76), 28(92), 33(96), 37(100), 40(103), 43(106), 48(111), and 56 (119)**, as an admitted prior art. A recording medium (storage media), as in claims **1(67), 10 (76), 28(92), 33(96), 37(100), 40(103), 43(106), 48(111), and 56 (119)** is disclosed in column 2, lines 19-22. Selecting a particular program, as in claims **1 (67), 10 (76), 37(100), 40(103), 43(106), 48(111), and 56(119)**, is disclosed in column 2, lines 18-19. At least one of the multiple programs including at least some displayable information, as in claims **1(67),** is anticipated by the associated video display displaying the still image corresponding to the audio information for a program. The limitation, **substantive displayable information distinct from a listing of the programs allowing access, storage, and/or retrievable thereof,** in all of the above said claims, is anticipated by the video clips received along with the audio and stored for later retrieval. The reference discloses the limitations of claims **1(67), 2(68), 3(69), 10(76), 19(84), 37(100), 48(111), and 56(119)**, compression and decompression in the abstract. A time-compressed audio is received which anticipates the claimed subject matter. The upcoming program, claim **3 3 (96)**, anticipated by any entertainment like,

movie reviews", as in column 3, lines 13-16. Storing the programs at the user location, as in claims **4 (70) and 56 (119)**, is disclosed in Fig. 1 of the reference, Tweedy et al., in Fig. 5.

A means for accessing program information, as in claims **4(70), 5(71), and 28(92),** is anticipated Fig. 5. A data manager, as in claims **5 (71), 8 (74), and 38 (101)**, reads on the access circuitry, as shown in Fig. 5. The reference discloses transmitting program identification data, accessing, and processing the program identification data, as in claims **39 (102)**, in column 2, lines 7-8. The data manager, as in claims **39 (102)**, reads on the access circuitry, as shown in Fig. 5.

The reference discloses an optical storage for storing the programs, as in claims **11 (77),** in 4, lines 33-34. A computer memory, as in claims **12 (78)**, is disclosed in Fig. 5, element RAM. The reference discloses the processing of the program identification data, as in claims **27 (91)**, in column 2 lines 7-8. The reference discloses an access system having a storage capability of overwriting previously stored material, as in claims **14 (80) and 19 (84)**, in Fig. 5, represented by RAM. The program information relative to the multiple channels of information and addition of other services, as in claims **35 (98), 36 (99), and 42 (105)**, are disclosed in column 2, lines 23-24.

Upcoming events, as in claims **49 (112),** reads on any of the categories, as disclosed in column 2, lines 3-10. Controlling the selective programs, to be automatically recorded, based on the data in the data manager, as in claim **50 (113)**, reads on the buffer and audio and video storage in Fig. 5. The user do not have any control over the transmitted programs, as in claim **51 (114)**, and the programs being

continuous, as in claims **52 (115)**, are inherent to the broadcast system of the reference and is disclosed in column 2, lines 3-26. Different ways of personalizing the data to be recorded, as in claims **15-17 (81-83), 57-62 (120-125), and 64-66 (127-129)**, are disclosed in column 2, lines 18-23.

The recording of data over the recorded programs, as in claims **14 (80) and 63 126)**, anticipates the RAM in the memory of the receiver, which is used for the temporary storage of the data. The recorder simultaneously recording the selected portions of the transmitted programs as the selected portion is being selectively retrieved by the user control, as in claims **28 (92), 43 (106), and 53 (116),** is disclosed in column 2, lines 18-20.

3. Claims **6-9 (72-75), 21 -23 (86-88), 25- 27 (89-91), 29 (93), 31 (95), 39 (102) and 43-47 (106-110)** are rejected under 35 U.S.C.102 (e) as being clearly anticipated by Ulrich et al. (U. S. 5,583,937)

The amended limitation, **substantive displayable information distinct from a listing of the programs allowing access, storage, and/or retrievable thereof,** in all of the above said claims, is anticipated by the video clips received along with the audio and stored for later retrieval as disclosed in column 4, lines 61-67. (Claims **6 (72), 25 (89) and 39 (102))** Program identification with channel numbers is part of the promotional information. Selecting the accessible program from the multiple programs, and means to alter the frequency of the frequency related operation, reads on the NVOD program as disclosed in the reference, Ulrich et al. Altering the frequency or the

run length is anticipated by the frequency of the program repeating on various channels based on the user selection of the program. The claim language is broad and reads on the frequency change of the various channels in contrast to the concept of changing the frequency of the stored program for replaying at the user terminal. A different run time as claimed (**21(86)**) is clearly anticipated by the different run time as broadcasted by the master terminal.

The access system having an ability to reproduce an accessible program with different run time than the intended run time, as in claims **21-23 (86-88)**, and the interruption, as in claim **22 (87)**, The reference discloses an access system with a decoder and an artifact modifier circuit, as in claims **29(93)**, in Fig. 1, element 36. Artifact modifier circuit, according to claims **31(95)**, a frequency converter, is anticipated the feature various ways of altering the run time based on the user's input.

The reference discloses an access system for multiple programs, as in claims **43(106)** in Fig.1. A recording medium (storage media is disclosed in Fig. 1 element 28, col. 7, lines 37-40). Selecting a particular program is disclosed in column 6, lines 23-26. At least one of the multiple programs including at least some displayable information , is anticipated by the associated promotional data comprising program previews, in column 4, lines 61-63. The limitation, **substantive displayable information distinct from a listing of the programs allowing access, storage, and/or retrievable thereof,** in all of the above said claims, is anticipated by the program previews before selecting the program from the promotional data.

The limitation of claims **7(73) and 26 (90) and 39 (102),** delaying the programs to allow processing of the program identification data is anticipated by the run time offset feature of the reference Ulrich et al. Program identification processing is anticipated by the receiver selecting a selective program from the list (claims **8 (74) and 27(91) and 39 (102)**). User accessing the program is anticipated by the selection of the programs from the promotional data (claims **9 (75) and 39 (102)**)

Selected portion and at least one other selected portion are from the same program, as in claims **44 (107)**, and from different programs, as in claims **45 (108),** are anticipated by the program preview for different channels for the same movie or for different movies. An interruption by a user for a period, as in claims **46 (109)**, is anticipated by the user being unavailable for the viewing as disclosed in column 9, lines 48-57. The user is allowed to switch to a channel predetermined number of times to any channel to accommodate any missing portion or choose to stay with the same to conclude at normal time. Frequency as in claims **47(110)** is anticipated by a different channel switching which is a frequency different from the present viewing channel frequency.

4. Claims **30(94)** are rejected under 35 U.S.C.103(a) as being unpatentable over Ulrich et al. (U.S. 5,583,937) in view of Barrett (U.S. 5,287,420).

The reference Ulrich et al., discloses all of the limitations of claims **30(94)**, but does not disclose the program data as a compressed MP EG data, a video television compression technique. The reference, Barrett, discloses a video broadcasting system,

compressing video in to MPEG form in column 4, lines 41-47. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the compressed signal of the reference Ryan, to be in MPEG form, as disclosed by Barrett, in order to use the system for television services and achieve better decompression.

5. Claims **13 (79), 30 (94), and 41(104)** are rejected under 35 U.S.C.103(a) as being unpatentable over Tweedy et al. (U.S. 54,816,905) in view of Barrett (U.S. 5,287,420).

The reference Tweedy et al., discloses all of the limitations of claims **13 (79), 30(94), and 41 (104)**, but does not disclose the program data as a compressed MPEG data, a video television compression technique. The reference, Barrett, discloses a video broadcasting system, compressing video in to MPEG form in column 4, lines 41-47. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the compressed signal of the reference Tweedy, to be in MPEG form, as disclosed by Barrett, in order to use the system for television services and achieve better decompression.

Remarks

Applicant's arguments filed October 01, 2001, have been fully considered but they are not persuasive for the following reasons. Examiner reviewed the new claims

added corresponding to the system claim set of 1-66 and corresponding claim rejection has been applied.

Examiner traverses the arguments made by Applicants in light of the claim language. Applicants argue on one significant issue, the programs are sent without user's request. Examiner would like to emphasize, as pointed out in the rejection, the admitted prior art of the reference is cited for the most part of the rejection for the reason it is very relevant to show multiple programs are broadcasted without user's request. Applicants are pointing to the columns which of course addresses the user's request, however, the cited columns of the prior art of Tweedy does teach a (NHK system) broadcasting programs to be selected from without user's request. Examiner agrees with the remarks made by the Applicants regarding Tweedy reference on pages 23-24. However, the claim language is well anticipated by the disclosed prior art of Tweedy. For instance, without users request (remarks on page 24, last paragraph) is anticipated by the prior art of Tweedy. NHK system broadcasts predetermined programs, anticipates the claimed at least one of the multiple programs delivered without a user's specific request". The other limitation, applicant has addressed is user selecting a particular program from the data storage medium at the user's location, well anticipated by the teachings in col. 2, lines 18 -20, a repetitive replay of the recorded programs. The concept of broadcasting and recording is known however, Tweedy made it interactive. Instant Application is claiming the prior art as disclosed by Tweedy.

Both references Tweedy and Ulrich, are directed to TV broadcasting system. Tweedy reference teaches a broadcasting system of video and corresponding audio for

the selection of the program by the user. However, the reference to the figures is made for the related part of the receiver drawn to the same idea of the prior art but for a selective program as requested by the user. The other reference, Ulrich teaches the promotional data comprising program preview along with program and order information and upcoming events broadcasted prior to the selection of the program. Additionally Ulrich teaches a runtime offset compensation by modifying the frequency of the channel. The concept broadly anticipates the frequency modifier as claimed without specific details of the receiver frequency converting elements. Therefore Examiner concluded both references are relevant in light of the claim language and applied the same and all the pending claims are rejected on the same.

The arguments regarding the reference, Ulrich are not persuasive. Applicant has argued that Ulrich does not disclose means to alter the frequency to automatically compensate for the different on-time presentation, (pages 29-30 of the remarks). Broadly this limitation could be interpreted as different frequency channels providing the same program at different times and user can access any of those channels compensating the program time. Examiner has interpreted broadly the claim language to read on the reference providing different times for the program. Argument regarding user's request is anticipated by the promotional programs, which are not relayed at user's request. Reference teaches a video recorder for the programs in col. 8, lines 35-40 which implies the recording of the programs simultaneously. Based on the above reasons arguments regarding 103 rejections are not persuasive. Since the rejection for claims 39 (102) has been modified, the action is made non-final.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seema S Rao whose telephone number is 703-308-5463. The examiner can normally be reached on 6.30-3.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W Olms can be reached on 703-305-4703. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 70 3-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Seema S. Rao
Seema S Rao
Primary Examiner
Art Unit 2661

December 17, 2001